

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-20 are pending. Since no claims are added, amended or canceled, no listing of claims is required under 37 CFR 1.121.

Claim Rejections – Yoshida

Claims 2, 4, 6, 8, 10, 12, 14 and 16 are rejected under 35 USC 103(a) as obvious over Bohan (US 2003/0124681) in view of Yoshida (US 2004/0075850). Yoshida was filed in the United States on October 14, 2003, which is its earliest effective prior art date under 35 USC 102(e). The present application was filed in the United States on October 25, 2003, but claims priority in JP 2002-327660, filed in Japan on November 16, 2002, which precedes the effective prior art date of Yoshida.

In order to perfect its claim to priority and remove Yoshida as a reference, a verified English translation of the certified copy of JP 2002-327660 has been prepared and is enclosed. Thus, applicant is entitled to a priority date of November 16, 2002, which precedes Yoshida's earliest effective date of October 14, 2003. Accordingly, Yoshida is not an effective prior art reference against this application and the rejections of claims 2, 4, 6, 8, 10, 12, 14 and 16 under 35 USC 103(a) as obvious over Bohan in view of Yoshida should therefore be withdrawn.

No further grounds for rejection of claims 2, 4, 6, 8, 10, 12, 14 and 16 are set forth. Accordingly, claims 2, 4, 6, 8, 10, 12, 14 and 16 are now in condition for allowance.

Claim Rejections - Bohan

Claims 1, 3, 5, 7, 9, 11, 13, 15 and 17-20 are rejected under 35 USC 102(e) as anticipated by Bohan (US 2003/0214681 A1). In response, applicant traverses the rejections.

As described in applicant's specification, in conventional facsimile machines, a scanned color image is transmitted to a recipient with a cover page including

information such as the sender and the recipient of the image data. Stock phrases such as "Thank You" and "Sincerely" may also be included in the cover page. However, conventional facsimile machines are unable to automatically include additional information on who formed the image data, how or when it was formed. Instead, conventional facsimile machines requires the tedious manual input of additional information (paragraph 0004). Applicant's invention solves this problem.

According to applicant's invention, as recited in independent claims 1, 9 and 17, a color image transmitting device is provided that automatically attaches a cover page having information other than image data that is extracted from the stored image data to be transmitted. This information may be data such as the photograph creation time, photographer name, photographing device, or the like. This extracted information is automatically included in a cover page without the necessity of user input (paragraphs 0005 and 0006). Bohan does not disclose this novel feature.

Bohan discloses a facsimile device that determines the number of pages in a facsimile transmission and generates a cover page with an indication of the number of pages to be transmitted (FIG. 4). However, Bohan does not disclose or suggest that the number of pages is determined by extraction from the image data itself.

In paragraph 0025, Bohan states that control program 318 collects data from various sources to compose a facsimile document. However, little explanation is given as to the data that is collected or the various sources from which the data is collected. Paragraph 0036 provides the only concrete example, describing the data to be added as "one or more word processing documents and/or image documents" and the data source as "a list of files stored on the computing device 104". Thus, the only disclosure given by Bohan with respect to data collected from various sources is word processing and/or image documents that are stored on the computing device. Bohan is merely forming one facsimile document from various stored documents, i.e., the data being collected is the image data itself. There is no disclosure or

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suggestion of extraction of information other than the image data that is included in the stored image data, as is required by applicants claims 1, 9 and 17.


Since Bohan does not disclose or suggest each and every feature of independent claims 1, 9 and 17, it cannot anticipate those claims or claims 3, 5, 7, 11, 13, 15 and 18-20 dependent thereon. The rejections under 35 USC 102 should therefore be withdrawn.

Conclusion

This application is believed to be in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration of this reply. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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